

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF TEXAS
DALLAS DIVISION

NACHIAPPAN SUBBLAH
MUTHUKUMAR,

Plaintiff,

v.

BANKSTON NISSAN LEWISVILLE,

Defendant.

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CIVIL ACTION NO. 3:12-CV-2007-B

ORDER ACCEPTING FINDINGS, CONCLUSIONS, AND RECOMMENDATION

Before the Court is the Findings, Conclusions, and Recommendation of the United States Magistrate Judge filed August 28, 2012 (doc. 10) ("F&R"). Also before the Court are the Objections filed by Plaintiff on August 31, 2012 (doc. 11) and Plaintiff's "Request to Make Corrections" filed August 4, 2012 (doc. 9). The F&R recommends that the District Court deny Plaintiff leave to proceed *in forma pauperis* given that he and his wife have \$4,000 in their bank accounts. The F&R also recommends that Plaintiff's complaint be dismissed unless Plaintiff tenders the \$350 filing fee to the District Clerk within fourteen (14) days of the filing of the F&R. Plaintiff objects to the F&R, arguing that it does not take in account his unemployment over the last three years nor his loans totaling \$25,000 and other expenses.


Under Rule 72 of the Federal Rules of Civil Procedure, a district court must decide *de novo* all objections to findings of fact or conclusions of law made or recommended by a magistrate judge in dispositive motions. As to nondispositive matters, the court must set aside a magistrate judge's order if the order is clearly erroneous or is contrary to law.

After conducting a *de novo* review pursuant to 28 U.S.C. § 636(b)(1) and Federal Rule of

Civil Procedure 72 of the pleadings, files and records in this case, as well as the F&R and Plaintiff's Objections, the Court is of the opinion that the Findings and Recommendation are correct and Defendants' Objections should be and hereby are **OVERRULED**. The Court hereby **ACCEPTS** the F&R of the Magistrate Judge. The Court also **DENIES** Plaintiff's "Request to Make Corrections." In doing so, the Court agrees with the Magistrate Judge that Plaintiff is not a pauper and is not entitled to proceed *in forma pauperis*, noting both the amount of Plaintiff's savings and the income his wife receives on a monthly basis. However, the Court, in its discretion, will allow Plaintiff until September 21, 2012, to tender the \$350 filing fee to the District Clerk.¹ Failure to pay the filing fee by September 21, 2012 will result in dismissal of this case.

SO ORDERED.

SIGNED: September 6, 2012.



JANE J. BOYLE
UNITED STATES DISTRICT JUDGE

¹The F&R recommended that Plaintiff be required to pay the filing fee within fourteen days of the date of the filing of the F&R. which would be September 11, 2012.